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ART UNIT	PAPER NUMBER
2175	

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15

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 March 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-29_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-29_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. In response to the preliminary amendments filed on 15-March-2004, claims 1-29 are

presently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3. Claims 15-19, 24-25, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Dunworth et al (U.S. patent No. 5,930,474) in view of Getchius et al (U.S. Patent No.

6,408,294.)

As to claim 15, Dunworth et al teaches a method in a computer system (see column 2,

lines 49-52), comprising:

submitting a search query directed to businesses, the search query including a designation

of a region (see column 14, lines 14-27);

receiving a business listing in response to the search query, the business listing being

associated with a merchant that provides service to the region (see column 9, line 55 through

column 10, line 6); and

receiving, along with the business listing, information regarding the fact that the

merchant services the region (see column 5, lines 40-65, where "customization of the topical

information" is taught, and see figures 11 and 15. Also see column 19, lines 64-67, where

"graphical image" is taught, and see figure 9.)

Dunworth et al does not teach where a merchant does not have a physical location in the

region.

Getchius et al teaches a method and system for performing online data queries, in which

he teaches a merchant not having a physical location in the region (see column 18, lines 1-7,

where "the merchant not having a physical location" is read on "virtual business".)

Therefore, it would have been obvious to a person having ordinary skill in the art at the

time the invention was made to have modified Dunworth et al to include a merchant that does

not have a physical location in the region.

It would have been obvious to a person having ordinary skill in the art at the time the

invention was made to have modified Dunworth et al by the teaching of Getchius et al,

because including a merchant that does not have a physical location in the region, would

enable the user to obtain information about a business or a merchant who provides goods or

services to the area but does not have a physical presence in that region. For example, it

would make it possible to perform a search on, and obtain information about merchandise

seller, "AMAZON.COM", without AMAZON's having to be physically present in the region

the search is initiated from and/or the goods/services are delivered to. Another example, as used by Getchius et al is business like "florists" and "airlines", which service all regions of the nation without necessarily having a physical location in each region (see column 30, lines 41-60.)

As to claim 16, Dunworth et al as modified teaches the method further comprising displaying the information along with the business listing (see Dunworth et al, figures 9, 11, and 15.)

As to claim 17, Dunworth et al as modified teaches wherein the information comprises text (see Dunworth et al, column 5, lines 40-65, where "customization of the topical information" is taught, and see figures 11 and 15.)

As to claim 18, Dunworth et al as modified teaches wherein the information comprises text and a glyph (see Dunworth et al, figures 9, 11, and 15.)

As to claim 19, Dunworth et al as modified teaches wherein the information comprises a glyph (see Dunworth et al, column 19, lines 64-67, where "glyph" is read on "graphical image", and see figure 9.)

As to claim 24, Dunworth et al as modified teaches a computer readable medium having computer executable instructions for performing the method of claim 15 (see Dunworth et al,

Abstract, and see figures 1, 2, 2A-2C, where software interface and computer networks for

the invention are mentioned/depicted. It is inherent that "computer systems" and "software

interfaces" are implemented on computer-readable mediums having computer executable

instructions for performing their tasks.)

As to claim 25, <u>Dunworth et al</u> teaches in a computer system, a method (see column 2,

lines 49-51) comprising:

receiving a request (see column 3, lines 1-2) for a merchant within a particular region

(see column 5, lines 22-24, and see figure 15);

searching a database (see column 3, lines 2-8) containing information associated with

merchants located within the region (see column 8, lines 37-44, and see column 24, lines 28-

39, where "yellow pages" database is explained, and see column 37, lines 36-65); and

returning information regarding the merchants within the region (see column 16, lines 17-

26, where "merchant" is read on "the specified value".)

For the teachings of: "returning information regarding merchants outside the region, the

information regarding merchants outside the region indicating that the merchant provides

services to the region but does not have a physical location in the region", the applicant is

kindly directed to the remarks and discussions made in claim 1 above.

As to claim 28, <u>Dunworth et al</u> as modified teaches the method further comprising

returning a glyph associated with the information regarding each merchant outside the region

(see <u>Dunworth et al</u>, column 19, lines 64-67, where "glyph" is read on "graphical image",

and see figure 9.)

As to claim 29, <u>Dunworth et al</u> as modified teaches a computer-readable medium having

computer-executable instructions (see <u>Dunworth et al</u>, Abstract, and see figures 1, 2, 2A-2C,

where software interface and computer networks for the invention are mentioned/depicted. It

is inherent that "computer systems" and "software interfaces" are implemented on computer-

readable mediums having computer executable instructions for performing their tasks) for

performing the method of claim 25 (applicant is directed to remarks and discussions made in

claim 25 above.)

4. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Dunworth</u>

<u>et al</u> (U.S. patent No. 5,930,474) in view of <u>Getchius et al</u> (U.S. Patent No. 6,408,294), as

applied to claims 15-19, 24-25, and 28-29 above, and further in view of <u>Burton et al</u> (U.S.

Publication No. 20020055878A1.)

As to claim 26, <u>Dunworth et al</u> as modified, still does not teach maintaining location

binding information associating a merchant outside the region with a particular region.

<u>Burton et al</u> teaches method an apparatus for Online ordering (see Abstract), in which he

teaches maintaining location binding information (see paragraphs 19 and 20, where "location

binding information" is read on "geodetic zone") associating a merchant outside the region

with a particular region (see paragraph 20, where "suppliers associated with a zone" is

discussed, also see paragraph 221.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the

time the invention was made to have modified <u>Dunworth et al</u> as modified, to include

maintaining location binding information associating a merchant outside the region with a

particular region.

It would have been obvious to a person having ordinary skill in the art at the time the

invention was made to have modified <u>Dunworth et al</u> as modified, by the teachings of <u>Burton</u>

<u>et al</u>, because maintaining location binding information associating a merchant outside the

region with a particular region, would enable the system to select prospective suppliers for a

user in a given geographical location, as taught by <u>Burton et al</u> (see paragraph 19.)

As to claim 27, <u>Dunworth et al</u> as modified, teaches wherein maintaining location

binding information (see <u>Burton et al</u>, paragraphs 19 and 20, where "location binding

information" is read on "geodetic zone") comprises writing an entry into a database including

information about the particular region (see <u>Dunworth et al</u>, column 8, line 59 through

column 9, line 4, and see figure 12) and information about the merchant (see <u>Dunworth et al</u>,

column 9, lines 55-67, where "merchant" is read on "business", and see figure 18.)

5. Claims 1-14 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dunworth et al (U.S. patent No. 5,930,474) in view of Burton et al (U.S. Publication No.

20020055878A1), and further in view of Getchius et al (U.S. Patent No. 6,408,294.)

As to claim 1, Dunworth et al teaches in a computer system, a method (see column 2,

lines 49-51) comprising:

receiving a request (see column 3, lines 1-2) directed to a particular region (see column 5,

lines 22-24, and see figure 15);

searching the information (see column 2, lines 54-58) associated with the merchant (see

column 2, line 63 through column 3, line 14) to determine if the particular region matches at

least one of the listed regions (see column 15, lines 23-25), and if so, returning information

regarding the merchant (see column 16, lines 17-26, where "merchant" is read on "the

specified value".)

Dunworth et al does not teach maintaining location binding information associating a

merchant with a plurality of listed regions, including at least one listed region in which the

merchant provides service.

Burton et al teaches method an apparatus for Online ordering (see Abstract), in which he

teaches maintaining location binding information (see paragraphs 19 and 20, where "location

binding information" is read on "geodetic zone"), associating a merchant with a plurality of

listed regions (see paragraph 20, where "suppliers associated with a zone" is discussed, also

see paragraph 221), including at least one listed region in which the merchant provides

service (see paragraph 20, where "suppliers may offer delivery service to some, all, or none

the zones" is discussed. Also see paragraphs 355 and 363.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Dunworth et al</u> to include maintaining location binding information associating a merchant with a plurality of listed regions, including at least one listed region in which the merchant provides service.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Dunworth et al</u> by the teachings of <u>Burton et al</u>, because maintaining location binding information associating a merchant with a plurality of listed regions, including at least one listed region in which the merchant provides service, would enable the system to select prospective suppliers for a user in a given geographical location, as taught by <u>Burton et al</u> (see paragraph 19.)

<u>Dunworth et al</u> as modified still does not teach the merchant that does not include a physical location.

<u>Getchius et al</u> teaches a method and system for performing online data queries, in which he teaches the merchant that does not include a physical location (see column 18, lines 1-7, where "the merchant not having a physical location" is read on "virtual business", and see column 30, lines 41-60, where "florists" and "airlines" are listed as examples of business servicing areas in which they do not have a physical location".)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Dunworth et al</u> as modified to include the merchant that does not include a physical location.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Dunworth et al</u> as modified, by the teaching of

Getchius et al, because associating which the merchant that does not include a physical location would enable the user to obtain information about a business or a merchant who provides goods or services to the area but does not have a physical presence in that region. For example, it would make it possible to perform a search on, and obtain information about merchandise seller, "AMAZON.COM", without AMAZON's having to be physically present in the region the search is initiated from and/or the goods/services are delivered to. Another example, as used by Getchius et al is business like "florists" and "airlines", which service all regions of the nation without necessarily having a physical location in each region (see column 30, lines 41-60.)

As to claim 2, Dunworth et al as modified teaches wherein maintaining the location binding information (see Burton et al, paragraphs 19 and 20, where "location binding information" is read on "geodetic zone") comprises writing an entry into a database including information about each listed region (see Dunworth et al, column 8, line 59 through column 9, line 4, and see figure 12) and information about the merchant (see Dunworth et al, column 9, lines 55-67, where "merchant" is read on "business", and see figure 18.)

As to claim 3, Dunworth et al as modified teaches the method further comprising returning additional information regarding the merchant (see Dunworth et al, column 3, lines 45-54, and see figure 11.)

As to claim 4, <u>Dunworth et al</u> as modified teaches wherein the additional information comprises text (see <u>Dunworth et al</u>, column 10, lines 16-28, and see column 19, lines 40-42.)

As to claim 5, <u>Dunworth et al</u> as modified teaches wherein the additional information comprises a glyph (see <u>Dunworth et al</u>, column 8, lines 25-30, and see column 10, lines 23-28, where "glyph" is read on "graphical image" and "graphical display".)

As to claim 6, <u>Dunworth et al</u> as modified teaches a computer-readable medium having computer executable instructions for performing the method (see <u>Dunworth et al</u>, Abstract, and see figures 1, 2, 2A-2C, where software interface and computer networks for the invention are mentioned/depicted. It is inherent that "computer systems" and "software interfaces" are implemented on computer-readable mediums having computer executable instructions for performing their tasks. For the remaining teachings of this claim, the applicant is kindly directed to the remarks and discussions made in claim 1 above.)

As to claim 7, <u>Dunworth et al</u> as modified teaches wherein the plurality of listed regions (see figure 12) comprises at least one ZIP code (see <u>Dunworth et al</u>, column 24, lines 28-39, and see figure 17.)

As to claim 8, <u>Dunworth et al</u> teaches a computer-readable medium having stored thereon a data structure (see column 4, line 66 through column 5, line 2), comprising:

a first data field (see column 18, lines 55-59, where "data fields" is read on "each of the

databases described") containing data representing information about a merchant (see column

24, lines 28-39, where "yellow pages" database is explained, and see column 37, lines 36-

65); and

a second data field associated with the first data field (see column 18, lines 55-59, where

"data fields" is read on "each of the databases described")

such that a search request (see column 3, lines 1-2) seeking a merchant that services a

particular region is compared to the second data field to determine from the data therein

whether the merchant represented in the first data field services that particular region (see

column 3, lines 6-14), and if so, at least some of the information about the merchant

contained in the first data field may be returned in response to the search request (see column

16, lines 17-26, where "merchant" is read on "the specified value".)

For the teaching of "containing location binding data representing a region in which the

merchant provides service", the applicant is directed to the remarks and discussions made for

this teaching by Burton et al, in claim 1 above.)

For the teaching of "a region in which the merchant does not include a physical location",

the applicant is directed to the remarks and discussions made for this teaching by Getchius et

al, in claim 1 above.)

As to claim 9, Dunworth et al as modified teaches the structure further comprising a third

data field, associated with the first data field (see Dunworth et al, column 18, lines 55-59,

where "data fields" is read on "each of the databases described"), and including additional

information regarding the merchant (see <u>Dunworth et al</u>, column 10, lines 16-18) but not

having a physical location in the region (see <u>Getchius et al</u>, column 18, lines 1-7, where "the

merchant not having a physical location in the region" is read on "virtual business".)

As to claim 10, <u>Dunworth et al</u> as modified teaches wherein the third data field comprises

text that indicates that the merchant provides service to the region but does not have a

physical location in the region (see <u>Dunworth et al</u>, column 5, lines 40-65, where

"customization of the topical information" is taught.)

As to claim 11, <u>Dunworth et al</u> as modified teaches wherein the third data field comprises

a glyph that indicates that the merchant provides service to the region but does not have a

physical location in the region (see <u>Dunworth et al</u>, column 19, lines 64-67, where "glyph" is

read on "graphical image", and see figure 9.)

As to claim 12, <u>Dunworth et al</u> teaches a computer-readable medium having stored

thereon a data structure (see column 4, line 66 through column 5, line 2), comprising:

a first data field (see column 18, lines 55-59, where "data fields" is read on "each of the

databases described") containing data representing information about a merchant (see column

24, lines 28-39, where "yellow pages" database is explained, and see column 37, lines 36-

65);

a second data field associated with the first data field (see column 18, lines 55-59, where

"data fields" is read on "each of the databases described") and containing data representing

information regarding the merchant providing service to a region (see column 24, lines 28-

39, where "yellow pages" database is explained, and see column 37, lines 36-65); and

a third data field associated with the first data field;

such that a search request (see column 3, lines 1-2) seeking a merchant that services a

particular region is compared to the third data field to determine from the location binding

data therein whether the merchant represented in the first data field services that particular

region (see column 3, lines 6-14), and if so, at least some of the information about the

merchant contained in the second data field may be returned in response to the search request

(see column 16, lines 17-26, where "merchant" is read on "the specified value".)

For the teaching of "containing location binding data representing a region in which the

merchant provides service", the applicant is directed to the remarks and discussions made for

this teaching by Burton et al, in claim 1 above.)

For the teaching of "a region in which the merchant does not include a physical location",

the applicant is directed to the remarks and discussions made for this teaching by Getchius et

al, in claim 1 above.)

As to claim 13, Dunworth et al as modified teaches wherein the second data field

comprises text that indicates that the merchant provides service to the region (see Dunworth

et al, column 5, lines 40-65, where "customization of the topical information" is taught, and

see figures 11 and 15) but does not have a physical location in the region (see Getchius et al,

column 18, lines 1-7, where "the merchant not having a physical location" is read on "virtual

business".)

As to claim 14, <u>Dunworth et al</u> as modified teaches wherein the second data field comprises a glyph that indicates that the merchant provides service to the region but does not have a physical location in the region (see <u>Dunworth et al</u>, column 19, lines 64-67, where "glyph" is read on "graphical image", and see figure 9.)

As to claim 20, <u>Dunworth et al</u> teaches a computer system (see column 2, lines 49-52) comprising:

a data store (see Abstract);

data entry tools for entering the information in the data store (see column 3, lines 1-8, where the "organizer comprises a database". It is inherent for databases to have data entry tools for obtaining the data for storage.)

For the teaching of "maintaining location binding information for merchants that provide service to a region", the applicant is directed to the remarks and discussions made for this teaching by <u>Burton et al</u>, in claim 1 above.)

For the teaching of "merchants that do not include a physical location in the region", the applicant is directed to the remarks and discussions made for this teaching by <u>Getchius et al</u>, in claim 1 above.)

<u>Dunworth et al</u> as modified, still does not teach an application programming interface for ensuring that the information is stored with each merchant entered by the data entry tools.

<u>Getchius et al</u> also teaches an application programming interface for ensuring that the information is stored with each merchant entered by the data entry tools (see column 28, lines

26-28, and see column 58, lines 33-49, where "database preparations" and "validity" of database updates are taught.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Dunworth et al</u> as modified, to include an application programming interface for ensuring that the information is stored with each merchant entered by the data entry tools.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Dunworth et al</u> as modified, by the further teaching of <u>Getchius et al</u>, because including an application programming interface for ensuring that the information is stored with each merchant entered by the data entry tools, would allow the user to verify the data entered for each merchant and would further verify and validate database updates to ensure accurate merchant/business information is displayed to the users.

As to claim 21, <u>Dunworth et al</u> as modified teaches wherein the application programming interface (see <u>Getchius et al</u>, column 26, lines 26-28) includes rules that require each merchant in the data store to be identified as one of a mobile, territorial, or delivery type merchant (see <u>Getchius et al</u>, column 14, lines 3-8, where "identifying merchant in the data store" is read on "tags identifying key data items for each business", and see column 28, lines 33-58, where "rule" is read on "mapping a string corresponding to a query name", and identifying merchant in the data store" is read on "type of business service".)

As to claim 22, <u>Dunworth et al</u> as modified teaches wherein the application programming interface (see <u>Getchius et al</u>, column 26, lines 26-28) include rules that specify whether each merchant identified in the data store requires an associated glyph (see <u>Getchius et al</u>, figure 15, and see column 55, lines 10-17, where "glyph" is read on "multimedia blob data, such graphics, video, audio, job applets".)

As to claim 23, <u>Dunworth et al</u> as modified teaches wherein the application programming interface (see <u>Getchius et al</u>, column 26, lines 26-28) includes rules that specify whether each merchant identified in the data store requires an associated text (see <u>Getchius et al</u>, figure 15, and see column 55, lines 10-17, where "associated text" is read on ""structured textual information, such as business name and address".)

Response to Arguments

6. Applicant's arguments filed on 15-March-2004 with respect to the rejected claims in view of the cited references have been fully considered but are considered moot in view of the new grounds of rejection.

Conclusion

7. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

May 19, 2004

DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100